

December 30, 2013
FOR IMMEDIATE RELEASE

Summary of December 19-20, 2013, Board Meeting

The following is a summary of December 19-20, 2013, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 105 cases.

New Investigative Cases: The Board reviewed 30 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 2 Statements of Charges and 1 Amended Statement of Charges.

1. A 45-year-old Iowa-licensed physician who formerly practiced cardiothoracic surgery in Iowa City, Iowa, and currently practices in Indianapolis, Indiana, had formal disciplinary charges against him amended by the Board on December 20, 2013. On March 8, 2013, the Board charged the physician with engaging in a pattern of disruptive behavior and/or unethical or unprofessional conduct. In 2003-2004, the physician was placed on probation during the third year of his residency training following allegations of intermittent unprofessional behavior in his interactions with a member of the healthcare team. In 2007-2008, the physician was placed on administrative leave for two weeks during his aortic surgery fellowship training pending investigation of an allegation that he engaged in unprofessional conduct in his interactions with another healthcare provider. On November 8, 2010, the physician was placed on administrative leave by at the University of Iowa Hospitals and Clinics, in Iowa City, Iowa, pending investigation of an allegation that he shoved another physician in the chest during a cardiac crisis in the operating room. On December 14, 2010, the physician completed a comprehensive professional assessment at the Professionals Program in Elmhurst, Illinois. On October 18, 2013, the State filed a Motion to Amend the Statement of Charges. On December 20, 2013, the Board voted to amend the Statement of Charges to include allegations that, "shortly after The physician was hired by the University of Iowa Hospitals and Clinics, he engaged in verbally aggressive and disrespectful behavior towards other physicians, fellows, residents and nurses. He received counseling and mentoring and his behavior improved for a period of time. Approximately one week prior to November 8, 2010, the physician again

exhibited disruptive behavior in his workplace.” The hearing has been postponed until further order of the Board.

2. A 52-year-old Iowa-licensed physician who formerly practiced nuclear medicine in Iowa City, Iowa, had formal disciplinary charges filed against him by the Board on December 20, 2013. On November 18, 2011, the Board issued a Confidential Evaluation Order requiring the physician to complete a Board-approved confidential comprehensive physical, neuropsychological, mental health, unprofessional conduct and/or disruptive behavior evaluation. The physician filed an objection to the Confidential Evaluation Order. On September 11, 2012, the physician entered into a Stipulated Order with the Board. The physician agreed not to engage in the practice medicine under his Iowa medical license and the Board agreed to stay enforcement of the Confidential Evaluation Order. The physician subsequently requested a hearing before the Board. On August 13, 2013, the Board issued a Findings of Fact, Conclusions of Law, Decision and Order and the Board ordered the physician to complete the evaluation within ninety (90) days. The physician failed to complete the evaluation. On December 20, 2013, the Board filed formal disciplinary charges against the physician alleging that he failed to complete the evaluation within ninety (90) days in violation of the August 13, 2013, Findings of Fact, Conclusions of Law, Decision and Order. A hearing is scheduled on March 20, 2014.
3. A 51-year-old Iowa-licensed physician who formerly practiced psychiatry in Cedar Rapids, Iowa, had formal disciplinary charges filed against him by the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on November 1, 2012. On July 19, 2012, the physician entered into an initial agreement with the Iowa Physician Health Program (IPHP) due to concerns about his health. The physician failed to comply with the requirements established by the IPHP. On December 20, 2013, the Iowa Board charged the physician violating the initial agreement that he entered into with IPHP and for suffering from a physical, neuropsychological, or mental condition which may impair his ability to practice medicine with reasonable skill and safety. A hearing is scheduled on February 20, 2014.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. A combined Statement of Charges and Settlement Agreement contain the allegations of the Board and the sanctions.

The Board approved 9 Combined Statement of Charges and Settlement Agreements.

1. A 59-year-old Iowa-licensed physician who formerly practiced cardiology in Norfolk, Nebraska, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on June 1, 1998. The physician recently submitted an application for reinstatement of his Iowa medical license. On October 12, 2005, The physician was disciplined by the Nebraska Department of Health and Human Services (Nebraska Board). The Nebraska Board alleged that the physician performed a surgical procedure while intoxicated on April 23, 2005. On May 6, 2005, the Nebraska Board temporarily suspended the physician's Nebraska medical license. On October 12, 2005, the Nebraska Board placed the physician on probation for a period of five (5) years subject to substance abuse monitoring. On October 13, 2010, the physician successfully completed the terms established by the Nebraska Board. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Nebraska Board for performing a surgical procedure while intoxicated on April 23, 2005.

2. A 60-year-old Iowa-licensed physician who currently practices general medicine in Edina, Minnesota, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on April 1, 1991. On May 14, 2011, the physician was disciplined by the Minnesota Board of Medical Practice (Minnesota Board). The Minnesota Board alleged that the physician engaged in sexual conduct with a patient at a location outside of his office setting and authorized a prescription for narcotics for the patient without documenting the prescription in the clinic record. The Minnesota Board issued the physician a public reprimand; ordered him to complete a Board-approved professional boundaries course; ordered him to practice in a Board-approved setting only; and ordered him to pay a \$5,577.80 civil penalty. On May 12, 2012, the physician successfully completed the requirements established by the Minnesota Board. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
3. A 75-year-old Iowa-licensed physician who formerly provided medical care to inmates at the Menard Correctional Center in Chester, Illinois, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on March 1, 2006. On December 2, 2010, the physician was disciplined by the Illinois Division of Professional Regulation (Illinois Board). The Illinois Board alleged that the physician failed to provide appropriate treatment to a 36-year-old male inmate with ulcerative colitis between February 11, and April 2, 2009. The Illinois Board issued the physician a reprimand and ordered him to pay \$500 fine. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Illinois Board for failing to provide appropriate treatment to a male inmate at the Menard Correctional Center in Chester, Illinois, in 2009.
4. A 60-year-old Iowa-licensed physician who formerly practiced family medicine in Muscatine, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on December 20, 2013. On August 30, 2012, the physician was charged in the United States District Court for the Southern District of Iowa with three (3) counts of unlawful distribution of controlled substances, not for a legitimate medical purpose and outside the scope of professional practice, in violation of federal law. On September 21, 2012, the physician entered into a Stipulated Order with the Board. The physician agreed not to engage in the practice of medicine until the Board approves his return to practice. On January 16, 2013, the physician was charged with ninety five (95) counts of unlawful distribution of controlled substances, not for a legitimate medical purpose and outside the scope of professional practice in violation of federal law. On March 1, 2013, the physician pleaded guilty to one (1) count of unlawful distribution of a Schedule III Controlled Substance (Hydrocodone), in violation of federal law. The remaining criminal charges were dismissed. On July 18, 2013, The physician was sentenced to eight (8) years in prison and ordered to pay a \$400,000 fine. The Board also alleged that the physician engaged in sexual misconduct while treating female patients in Muscatine, Iowa. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license and agreed to pay a \$10,000 civil penalty.
5. A 49-year-old Iowa-licensed physician who currently practices medicine in Amarillo, Texas, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on March 1, 2006. On February 5, 2010, the physician was

disciplined by the Texas Medical Board (Texas Board). The Texas Board alleged that the physician failed to provide appropriate medical care to a single patient who underwent conscious sedation on November 16, 2007. The Texas Board issued the physician a public reprimand and prohibited him from performing conscious sedation until he completes a formal education program in conscious sedation and at least 20 hours of continuing medical education in orthopedic emergencies and pain management. On May 18, 2011, the physician was disciplined by the Wisconsin Medical Examining Board based on the disciplinary action taken by the Texas Board. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Texas Board for failing to provide appropriate care to a single patient who underwent conscious sedation on November 16, 2007. The physician also agreed to fully comply with the terms established by the Texas Board and provide the Iowa Board written notice at least ninety (90) days prior to seeking reinstatement of his Iowa medical license at which time he agrees to comply with any additional conditions ordered by the Board which are necessary to protect the public and ensure that he practices medicine with reasonable skill and safety.

6. A 47-year-old Iowa-licensed physician who currently practices medicine in Jesup, Georgia, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on March 1, 2002. On December 21, 2009, The physician pled guilty to one (1) felony count of conspiracy to commit health care fraud in the United States District Court, Southern District of Georgia, for prescribing and billing for physical therapy services to Medicaid and Medicare, when the services were either not medically necessary or were not provided. The records indicate that the physician's former employee double billed for physical therapy services. The physician was originally indicted on one hundred (100) counts. The physician was sentenced to 34 months in prison followed by three years supervised release. On June 7, 2013, the physician was disciplined by the Georgia Composite Medical Board (Georgia Board) based on the felony criminal conviction. The Georgia Board issued the physician a public reprimand and ordered him to complete ten hours of ethics training and pay \$550 in costs. The physician has successfully completed the requirements established by the Georgia Board. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
7. A 48-year-old Iowa-licensed physician who currently practices sleep medicine at six sleep centers in northern Virginia, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on May 1, 1997. On May 22, 2013, the physician was disciplined by the Virginia Board of Medicine (Virginia Board). The Virginia Board alleged that the physician engaged in conduct likely to deceive or defraud or harm the public, aided or abetted the unlicensed practice of medicine, violated the laws and rules governing the practice of medicine and made or used false or misleading statements in the practice of medicine at six sleep centers in northern Virginia between September 2010, and 2012. The Virginia Board alleged that the physician solicited individuals for unnecessary sleep studies; ordered sleep studies and other sleep-related durable medical equipment for individuals without establishing a bona fide physician-patient relationship; and aided or abetted the unlicensed practice of medicine by non-physician employees who scheduled/ordered sleep studies after performing the initial intake assessment without a physician determining the medical necessity for the performance of the sleep study. The Virginia Board issued the physician a reprimand and ordered him to pay a \$5,000 fine. Under the terms of the December 20, 2013, combined Statement of Charges and

Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Virginia Board for engaging in conduct likely to deceive or defraud or harm the public, aiding or abetting the unlicensed practice of medicine, violating the laws and rules governing the practice of medicine and making or using false or misleading statements in the practice of medicine at six sleep centers in northern Virginia between September 2010, and 2012.

8. A 64-year-old Iowa-licensed physician who formerly practiced anesthesiology and pain medicine in Lakeland and Pompano Beach, Florida, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on June 1, 2009. On February 11, 2008, the physician was disciplined by the Florida Board of Medicine (Florida Board). The Florida Board alleged that the physician failed to provide appropriate anesthesia care to a 53-year-old female patient who underwent a MRI under sedation on June 4, 2005, in Lakeland, Florida. The Florida Board issued the physician a Letter of Concern; ordered him to pay a \$15,000 fine and \$4,305.99 in costs; ordered him to complete 100 hours of community service; and ordered him to complete continuing medical education in the areas of monitoring anesthesia patients undergoing MRI procedures and medical ethics. On December 7, 2012, the physician was disciplined by the Florida Board. The Florida Board alleged that the physician failed to provide appropriate anesthesia care to a 31-year-old male patient who underwent a Manipulation Under Anesthesia (MUA) on December 4, 2008, in Pompano Beach, Florida, and a 43-year-old female patient who underwent a two-level discectomy on June 25, 2008, in Pompano Beach, Florida. The Florida Board suspended the physician's Florida medical license for a minimum of six (6) months and ordered him to complete a comprehensive clinical competency assessment. The Florida Board issued the physician a reprimand, ordered him to pay a \$40,000 fine and \$14,398.77 in costs, and ordered him to complete continuing medical education in the areas of record keeping and risk management. On July 1, 2013, the Pennsylvania State Board of Medicine suspended the physician's Pennsylvania medical license based on the Florida disciplinary action. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
9. A 51-year-old Iowa-licensed physician who currently practices pain management in Virginia Beach and Carrollton, Virginia, entered into a combined Statement and Charges and Settlement Agreement with the Board on December 20, 2013. The physician's Iowa medical license went inactive due to nonrenewal on September 1, 1996. On May 20, 2013, the physician was disciplined by the Virginia Board of Medicine (Virginia Board). The Virginia Board alleged that the physician failed to provide appropriate medical care to multiple patients between May 2006 and January 2011, when she: failed to perform adequate physical examinations on multiple patients who she was treating for chronic pain management; failed to request or obtain records from prior treatment providers and/or coordinate care with concurrent treatment providers before prescribing narcotics for patients' complaints of chronic pain; failed to review/address urine drug screen results; and inappropriately prescribed or authorized refills of narcotic medications for a patient prior to the time that it should have been needed if the medications had been taken as directed. The Virginia Board ordered the physician to pay a \$1,000 fine. Under the terms of the December 20, 2013, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered her Iowa medical license.

Amended Orders: The Board issues Amended Orders when to modify the terms of a formal disciplinary order.

The Board voted to issue 1 Amended Order.

A 64-year-old Iowa-licensed physician who practices general medicine in Iowa City, Iowa, had his combined Statement of Charges and Settlement Agreement amended by the Board on December 20, 2013. On April 19, 2012, The physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged The physician with inappropriately prescribing controlled substances to multiple patients in 2010 and 2011 in Iowa City, Iowa, in violation of the laws and rules governing the practice of medicine in Iowa. Under the terms of the April 19, 2012, combined Statement of Charges and Settlement Agreement, the Board issued The physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Board also prohibited The physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under his Iowa medical license. Finally, the Board placed Garrett on probation for a period of three (3) years subject to Board monitoring including audits of his controlled substance prescribing. On December 20, 2013, after careful consideration, the Board voted to terminate the audits of The physician's controlled substance prescribing. The Board determined that The physician has fully complied with the terms established in the April 19, 2012, combined Statement of Charges and Settlement Agreement and no longer prescribes, administers or dispenses controlled substances for the treatment of chronic pain.

Termination Orders: The Board issues a Termination Order when a licensee has successfully completed the terms of a formal disciplinary order.

The Board voted to issue 1 Termination Order.

A 61-year-old physician who formerly practiced family medicine in Corning, Iowa, had the terms and conditions placed on his Iowa medical license terminated by the Board on December 20, 2013. On July 28, 2005, the physician entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Board. The Board charged the physician with inappropriately prescribing controlled substances to at least four patients. The Board issued the physician a Citation and Warning for inappropriately prescribing controlled substances to at least four patients in violation of the laws and rules governing the treatment of chronic pain in Iowa. On February 4, 2010, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged the physician with inappropriately prescribing controlled substances to multiple patients in violation of the laws and rules governing the treatment of chronic pain in Iowa. Under the terms of the February 4, 2010, combined Statement of Charges and Settlement Agreement, the physician was prohibited from prescribing, administering or dispensing controlled substances for the treatment of patients with chronic, nonmalignant pain. The Board also issued the physician a Citation and Warning and ordered him to pay a \$5,000 fine. On December 20, 2013, the Board terminated the terms and conditions established in the February 4, 2010, combined Statement of Charges and Settlement Agreement. The physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 6 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician engaged in a pattern of inappropriate sexual comments and/or touching with co-workers.
2. Concerns that a physician engaged in a pattern of unprofessional conduct and/or poor communication with co-workers and patients.
3. Concerns about a physician's treatment of a patient who experienced a mixed drug overdose.
4. Concerns about a physician who perforated a patient's colon while performing laparoscopic surgery.
5. Concerns about a physician's treatment of a patient who experienced cerebral bleeding.
6. Concerns about a physician who left a surgical sponge in a patient during laparoscopic surgery.

Board Appearances: The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held 2 appearances due to the following concerns:

1. Concerns about a physician's surgical complications for multiple patients.
2. Concerns about a physician's surgical complications for multiple patients.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 10 cases involving physicians who are being monitored by the Board.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 28 cases.

Licensure Committee: The Licensure Committee is a committee reviews initial license applications, renewals and reinstatements other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 7 licensure applications. Four permanent licenses were granted and one permanent license application was left open to request further information, one permanent license applicant was asked to withdraw their application, and one resident license was reinstated.

The Licensure Committee approved eight Letters of Warning due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application and two letters were approved for unprofessional conduct. One Letter of Warning was rescinded.

The Licensure Committee also reviewed a request to remove a physician's birth year from the Find a Physician search results and made the decision to not make any changes to the search results at this time.

In other action the Board:

- Approved the reappointments of Ray Harre, M.D., Davenport, and Sasha Khosravi, D.O., Grimes, to the Iowa Physician Health Committee, effective January 1, 2014.
- Received a statistical report on the Iowa Physician Health Program. On December 1, 2013, there were 77 participants in the program. There were 37 new participants in the program since January 1, 2013, and 40 discharges in the same period.
- Received reports from the Iowa Attorney General's Office on five disciplinary cases and one rule-making case under judicial review in state courts.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on December 23, 2013. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.